

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

AMY FISCHER and MORRISON  
OMORUYI, individually and on behalf of all  
other persons similarly situated,  
Plaintiffs,

v.

KMART CORPORATION,  
Defendant.

Case No. 3:13-cv-4116 (DEA)  
Magistrate Judge Douglas E. Arpert

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF PROPOSED CLASS AND COLLECTIVE ACTION SETTLEMENT**

**PLEASE TAKE NOTICE THAT** Plaintiffs Amy Fischer and Morrison Omoruyi will move this Court, on a date and time to be determined by the Court, to preliminary certify a class, for settlement purposes, appoint them and the named Plaintiffs in *Hautur v. Kmart Corp.*, No. 1:15-cv-00267-RJA-HBS (W.D.N.Y.) ("*Hautur*") (collectively "Plaintiffs") as class representatives, appoint Plaintiffs' Counsel as class counsel, appoint Rust Consulting, Inc. as claims administrator, approve the parties' proposed notices to Collective and Class Members of the proposed class and collective action settlement ("Settlement"), embodied in a Settlement Agreement (attached as Exhibit A to Declaration of Seth R. Lesser ("Lesser Decl.")), and set a date for the Final Approval Hearing.

In support of this Motion, Plaintiffs submit the following documents:

- (a) Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Approval of Proposed Collective and Class Settlement;
- (b) The Declaration of Seth R. Lesser, together with exhibits.

Dated: May 24, 2016  
Rye Brook, New York

Respectfully submitted,

By: /s/ Seth R. Lesser  
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***Attorneys for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2016, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the Court. The Notice is available for viewing and downloading and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

Dated: May 24, 2016

By: /s/ Seth R. Lesser